



**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Ted Cruz for Senate, and MUR 7201  
Bradley S. Knippa, as treasurer  
(collectively the "Committee")

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by the Committee. It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint alleges that on September 23, 2016, after Ted Cruz endorsed Donald Trump for President, the Complainant called the Committee to cancel her scheduled monthly contributions to the Committee. Despite receiving multiple phone calls from the Committee reassuring that the monthly contributions would be cancelled, two more monthly contributions were transferred from the Complainant's bank account to the Committee.<sup>1</sup> The Committee responds that a third party vendor was responsible for managing recurring contributions, and that the Committee had confirmed that, as of date of the response, the recurring contributions

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<sup>1</sup> While both the Complainant and Committee acknowledge that the Complainant made contributions, neither party provides specific transaction information or states the amounts at issue. A review of the Committee's reports does not reveal any itemized contributions from the Complainant during the 2015-2016 election cycle. However, authorized candidate committees are only required to identify persons who make contributions to the reporting committee during the reporting period if the contribution (or contributions) have an aggregate amount or value in excess of \$200 within the election cycle. 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i). Thus, it is possible that the Complainant's contributions did not exceed the reporting threshold and were therefore not itemized.

1 had been cancelled.<sup>2</sup>

2 **B. Legal Analysis**

3 The Federal Election Campaign Act of 1971, as amended (“the Act”), provides that any  
4 person that believes that a violation of the Act or Commission regulations has occurred may file  
5 a complaint with the Commission that describes a violation over which the Commission has  
6 jurisdiction.<sup>3</sup> The Complainant, who concedes she initially authorized the recurring  
7 contributions, does not appear to describe such a violation, and the Committee has confirmed  
8 that Complainant’s recurring contributions have been canceled.

9 Based on its experience and expertise, the Commission has established an Enforcement  
10 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
11 assess whether particular matters warrant further administrative enforcement proceedings. These  
12 criteria include (1) the gravity of the alleged violation, taking into account both the type of  
13 activity and the amount in violation; (2) the apparent impact the alleged violation may have had  
14 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent  
15 trends in potential violations and other developments in the law. This matter is rated as low  
16 priority for Commission action after application of these pre-established criteria. Given that low  
17 rating, the indeterminate amount at issue, and the lack of available information that might  
18 support an allegation that the Committee violated the Act, the Commission dismisses the  
19 allegations consistent with the Commission’s prosecutorial discretion to determine the proper  
20 ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32  
21 (1985).

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<sup>2</sup> In Advisory Opinion 1989-26, the Commission approved the use of automatic fund transfer from a contributor’s bank account to a candidate committee as a means to facilitate the making of contributions.

<sup>3</sup> 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4(a)-(d).